

Art Unit: 3713

In accordance with 37 CFR 1.175(b)(1), a supplemental reissue oath/declaration under 37 CFR 1.175(b)(1) must be received before this reissue application can be allowed.

Receipt of an appropriate supplemental oath/declaration under 37 CFR 1.175(b)(1) will overcome this rejection under 35 U.S.C. 251. An example of acceptable language to be used in the supplemental oath/declaration is as follows:

"Every error in the patent which was corrected in the present reissue application, and is not covered by a prior oath/declaration submitted in this application, arose without any deceptive intention on the part of the applicant."

5. Claims 1-21 are rejected under 35 U.S.C. 251 as being broadened in a reissue application filed outside the two year statutory period. Applicant intended to change the dependent claims 10-12 and 15 to depend from later numbered claims is improper. Specifically, the only pending claims are all original patented claims and their number must be preserved. Applicant is required to cancel the offending dependent claims and to write the newly proposed dependent claims (i.e. those claims having changed dependencies) in dependent form, starting with claim number 22.

A claim is broader in scope than the original claims if it contains within its scope any conceivable product or process which would have infringed the original patent. A claim is broadened if it is broader in any one respect even though it may be narrower in other respects. In addition, applicant is reminded that 37 CFR 1.173, not 37 CFR 1.121, applies in reissue, and only those claims currently be amended, currently be added, or claims being canceled should be filed in the amendment, and not a complete listing of all claims pending or that were veer pending.

6. The original patent, or a statement as to loss or inaccessibility of the original patent, must be received before this reissue application can be allowed. See 37 CFR 1.178.

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